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February 5, 2021

Via ECF and CourierThe Honorable William H. Pauley III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007Re: *Maribel Baez, et al. v. New York City Housing Authority,*
No. 13-CV-08916 (WHP) (S.D.N.Y.)

Dear Judge Pauley:

On behalf of Defendant New York City Housing Authority ("NYCHA"), we are submitting this letter in response to Plaintiffs' February 3, 2021 letter.

Plaintiffs' letter raises three issues, only one of which—relating to the percentage of units in NYCHA-operated Section 9 public housing developments that have an open leak or mold work order—is an issue the Court asked Plaintiffs to address in their supplemental letter. The other two issues raised in Plaintiffs' letter—which they have characterized as attempts to "correct two statements made by [NYCHA's] counsel during oral argument"—not only go beyond the scope of what Your Honor asked for, but also are themselves factually inaccurate and thus warrant a brief response:

First, Plaintiffs rely on certain of the quarterly reports produced by NYCHA as part of its compliance with *Baez* to suggest that NYCHA included information on work orders related to already converted units. This is incorrect. The work orders highlightedMATTHEW W. ABBOTT
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The Honorable William H. Pauley III

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in Exhibit D to Plaintiffs' letter are from the "Ocean Bay Apartments - *Oceanside*," which has *not* converted to PACT, is still operated by NYCHA, and is therefore included in the quarterly reports. The development that *has* converted to PACT is "Ocean Bay Apartments - *Bayside*," which has been excluded from the quarterly reports since its conversion in 2016. These are two entirely separate developments, despite having similar names. Plaintiffs disregarded or overlooked this critical fact in their February 3 letter.

Second, Plaintiffs contend that NYCHA was incorrect to say that "there was no such thing as NYCHA housing funded through Section 8." NYCHA's counsel's statement was accurate, as the record clearly shows. When NYCHA's counsel made that statement, counsel made clear that at the time the *Baez* class was certified, "[t]here was no such thing as people who live in *PACT* because that program simply did not exist" and therefore it would be illogical for "the class [to] include[] something that didn't exist" Hr'g Tr. 23:25–24:1; 24:18–19 (emphasis added). Counsel's remarks, and the Court's questioning on this point, were thus clearly confined to *PACT* Section 8 housing—not Section 8 housing writ large. *See id.* at 24:13–19. As such, when placed in its proper context, the excerpt from NYCHA's counsel's remarks that Plaintiffs have highlighted was correct. And, in any event, the press release that Plaintiffs have attached as Exhibit C to their letter does not demonstrate that the PACT program existed at the time the Court certified the *Baez* class.

* * *

NYCHA reaffirms its appreciation for the Court's attention to this matter and continues to stand ready to provide any additional information the Court may request.

Respectfully submitted,

/s/ Gregory F. Laufer

Gregory F. Laufer

cc (via ECF): All counsel of record